## GOVERNMENT OF ANDHRA PRADESH
## ABSTRACT

Public Services - MA&UD Department – Gudiwada Municipality - Allegations of allowing irregular approvals / permissions and violations in the building constructions in Gudiwada Municipality– Disciplinary proceedings initiated against Sri M.Harija Naik, the then TPO (now retired), Gudiwada Municipality - Inquiry Conducted – Imposition of a penalty of " withholding of 5% pension for a period of 2 years" - orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.II) DEPARTMENT

**G.O.Rt.No.513** **Dated:16.07.2024.**

**Read the following:-**

1. From the GA (V&E) Dept report No.38 (530/V&E/D1/2014), dt.03.05.2016.
2. G.O.Rt.Nos.24, MAUD (Vig.I) Dept., dated.03.01.2017.
3. G.O.Rt.No.114, MAUD (Vig.II) Dept., dt.1.2.2018.
4. Enquiry Report from the Enquiry Officer Sri P.N.S.Sai Babu, Planning Officer, VMRDA, Visakhapatnam, Lr.Roc. No.246/2018/S, dated.22.06.2019, received through the DTCP., A.P., Guntur, Lr.Roc.No.4080/2016/V.Cell, dated.11.12.2019.
5. Govt. Memo.No. 278952/Vig.II/2016, Dated: 23.07.2021.
6. From the DTCP, A.P., Mangalagiri, Lr. Roc No. 4080/2016/V.Cell, dated: 14.12.2021.
7. Show-cause Notice issued vide Govt.Memo.No. 278952/Vig.II/2016, Dated: 01.06.2022.
8. From the DTCP, A.P., Lr.Roc.No.4080/2016/V.Cell, Dt: 21/10/2023, Served copy of show cause notice issued to the charged officer.
9. GO.Ms.No.124, GA(SER.A) Dept., dated.04.12.2023.

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**ORDER:**

Whereas, based on the report of G.A. (V&E) Department in the reference 1st read above, among others, Government initiated disciplinary proceedings duly framing Article of charges against Sri M.Harija Naik, the then TPO (now retired), Gudiwada Municipality on the allegations of allowing irregular approvals / permissions to the buildings though there were violations in the building constructions in Gudivada Municipa ity, vide reference 2nd read above.

2. The Charged officer had not submitted his written statement of defence on the charges framed against him. After examination of the matter, it has been decided to conduct a regular inquiry in terms of Rule-20 of A.P.C.S. (CC&A) Rules, 1991. Accordingly, after following due procedure, orders were issued, in the reference 3rd read above, appointing Sri P.N.S.Sai Babu, Planning Officer, VMRDA, Visakhapatnam, as an Inquiry Officer to inquire into the charges framed against Sri M.Harija Naik, the then TPO (now retired), Gudiwada Municipality and others.

3. In the reference 4th read above, the Inquiry Officer, submitted his Inquiry report and stated that all the charges framed against the Charged Officer are not held proved in the Inquiry.

4. Government have examined the Inquiry report and observed that the Charged Officer worked in Gudivada Municipality from 12.02.2009 to 14.06.2011 and approved the building plan in B.A.No.262/G2/2010, Dt:01.11.2010. The charged Officer stated that the constructions of the building was not commenced during his tenure. Whereas the owner of the said building gave a written statement to the V&E Officials stating that the

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building was completed in the month of August 2011. Hence, it is evident that major part of construction was being done during the period of charged officer. Accordingly, the Government disagreed with the findings of the Inquiry officer and found that the charge against Sri M.Harija Naik, the then TPO (now retired), Gudiwada Municipality is held proved.

5. In the reference 5th read above, a copy of the Inquiry Report along with disagreement factors, as stated at para-4 above were communicated to the Charged Officer, under Rule 21 (2) of APCS (CC&A) Rules, 1991, for submitting his written representation, if any, to Government within 15 days.

6. In the reference 6th read above, the DTCP, A.P., Mangalagiri, has stated that the Inquiry Report along with disagreement factors has been communicated to the Charged officer and furnished the served copy/speed post acknowledgement for further taking necessary action. The Charged Officer has not submitted any written representation.

7. Government have examined the matter and provisionally decided to impose a penalty of "withholding of 5% pension for a period of 2 years" under Rule-9 of AP Revised Pension Rules, 1980 against Sri M.Harija Naik, the then TPO (now retired), Gudiwada Municipality.

8. In reference 7th read above, a Show cause Notice was issued to Sri M.Harija Naik, the then TPO (now retired), Gudiwada Municipality, with a direction to show cause as to why the said penalty mentioned at para-7 above, shall not be imposed against him under Rule 9 of A.P. Revised Pension Rules, 1980. No reply has been received from the charged officer. However, the DTCP, A.P, vide reference 8th read above, furnished the served copy of Show-cause Notice in respect of the charged officer.

9. Government, after careful examination of the matter, have decided to confirm the penalty of "withholding of 5% pension for a period of 2 years" against Sri M.Harija Naik, the then TPO (now retired), Gudiwada Municipality; since he failed to prevent deviations and unauthorized construction of additional floor from sanctioned plan and had not initiated concerted action against the deviations made by the building owner.

10. Accordingly, Government hereby impose a penalty of "withholding of 5% pension for a period of 2 years" against Sri M.Harija Naik, the then TPO (now retired), Gudiwada Municipality, under Rule 9 of A.P.Revised Pension Rules, 1980.

11. The Director of Town and Country Planning, A.P, Mangalagiri, shall take necessary action in the matter accordingly.

**ANIL KUMAR SINGHAL**
**SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To
Sri M.Harija Naik, the then TPO (now retired), Gudiwada Municipality
- **through** the DTCP, A.P., Mangalagiri.
The Director of Town & Country Planning, A.P., Mangalagiri.
Copy to:
The Secretary to A.P. Vigilance Commission, 5th Block, A.P. Secretariat.
The G.A. (V&E) Department, A.P., RTC Complex, Vijayawada.
SF/SCs.(C.No.100024)

**//FORWARDED BY ORDER//**

SECTION OFFICER.